

**ZB# 00-15**

**Arthur Sherman**

**32-2-46.11**

#00-15- Sherman, Arthur

area

32-2-46.11

Prelim

April 10, 2000.

Public Hearing:

May 22, 2000.

Granted: Area

Refund:  
\$203.00

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Sherman, Arthur.

FILE# 00-15.

RESIDENTIAL: \$50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA V

USE     

APPLICATION FOR VARIANCE FEE ..... \$ 50.00

ESCROW DEPOSIT FOR CONSULTANT FEES ..... \$ 300.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 4/19/00 - 4 ..... \$ 18.00  
2ND PRELIMINARY- PER PAGE 5/22/00 - 2 ..... \$ 9.00  
3RD PRELIMINARY- PER PAGE ..... \$       
PUBLIC HEARING - PER PAGE ..... \$       
PUBLIC HEARING (CONT'D) PER PAGE ..... \$       
TOTAL ..... \$ 27.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: ..... 4/19/00 ..... \$ 35.00  
2ND PRELIM. .... 5/22/00 ..... \$ 35.00  
3RD PRELIM. .... \$       
PUBLIC HEARING. .... \$       
PUBLIC HEARING (CONT'D) ..... \$       
TOTAL ..... \$ 70.00

MISC. CHARGES:

..... \$       
TOTAL ..... \$ 97.00

LESS ESCROW DEPOSIT ..... \$ 300.00  
(ADDL. CHARGES DUE) ..... \$       
REFUND DUE TO APPLICANT .. \$ 203.00

~~Paid~~ Paid #2975  
5/16/00  
paid - #2954  
4/28/00

SECURITY FEATURES VENDOR AT TOP LEFT; CACRED SOLID PATTERN; URETHANE COVERING OF THE GUN'S REAR PARTS; CLASSIC FEATURE LOGO-TELETYPE

**M. REIS REALTORS**  
**MICHAEL REIS**  
 PO BOX 472 77 E. MAIN STREET  
 WASHINGTONVILLE, NY 10992  
 (914) 496-5970 / 562-5420

EXPLANATION	AMOUNT

50-70  
2215

297

CHECK  
AMOUNT

PAY Fifty and 00/100 DOLLARS

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NO.
4/28/2000	Town of New Windsor	Application For Vm. 499 Riley B	2975

KG19416

\$ 50.



WASHINGTONVILLE OFFICE  
 WASHINGTONVILLE, NY 10992

ZBA-00-15

*Michael Reis*

⑈002975⑈ ⑆221970993⑆

2164017259⑈

Date July 28, 1955

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

TO M. Reis Realtors DR.  
P.O. Box 472, 77 E. Main Street  
Washingtonville, N.Y. 10992

DATE \_\_\_\_\_

**CLAIMED**

**ALLOWED**

[illegible]

-----X  
In the Matter of the Application of

**ARTHUR SHERMAN**

MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCE

#00-15  
-----X

**WHEREAS, ARTHUR SHERMAN, P. O. Box 472, Washingtonville, N. Y. 10992,**  
has made application before the Zoning Board of Appeals for an 8 ft. side yard variance to permit  
an existing detached garage at 499 Riley Road, at the above address in an R-3 zone; and

**WHEREAS, a public hearing was held on the 22nd day of May, 2000 before the Zoning**  
Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS, the Applicant was represented by Mr. Michael Reis; and**

**WHEREAS, there were no spectators appearing at the public hearing; and**

**WHEREAS, no one spoke in favor or opposition to this Application; and**

**WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the**  
public hearing granting the application; and

**WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the**  
following findings in this matter here memorialized in furtherance of its previously made decision  
in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by  
law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in a  
neighborhood containing one-family homes.

(b) The existing garage has been in place for approximately 14 years.

(c) No complaints, formal or informal, have been received or made about the garage.

(f) The garage does not interfere with water drainage, well, or septic system.

(g) The garage is similar in size and use to garages used by other homes in the area.

**WHEREAS**, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted for the reasons listed above.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

**NOW, THEREFORE, BE IT**

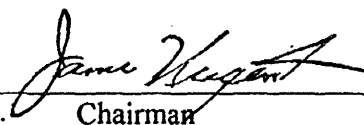
**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for an 8 ft. side yard variance to permit an existing detached garage at 499 Riley Road in an R-3 zone.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: June 26, 2000.



A handwritten signature in dark ink, appearing to read "James H. Hight", is written over a horizontal line.

Chairman

Date 5/3/00, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO ..... Frances Roth ..... DR.  
168 N. Drury Lane  
..... Newburgh, N.Y. 12550 .....

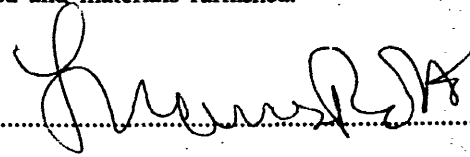
DATE			CLAIMED	ALLOWED
5/2/00		Zoning Board Mtg	75.00	
		Misc - 3		
		Marlano - 7		
		Ujor - 3		
		L.G. Enterprises - 3		
		Bila Partners - 9		
		Deleo - 9		
		Shuman - 2 \$9.00	162.00	
		<u>36</u>	<u>      </u>	
			237.00	
		James Wright		

STATE OF NEW YORK,  
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here



No. ....

Town of New Windsor

Nature .....

Amount Claimed \$ .....

Amount Allowed \$ .....

Filed .....

I hereby certify that at a meeting of  
said Town Board held at the office of the

Town Clerk on the ..... day

of ....., 19.....

the within claim was audited and allowed

for the sum of

\$ .....

Clerk

SHERMAN, ARTHUR

Mr. Michael Reis appeared before the board for this proposal.

MR. NUGENT: Request for 8 ft. side yard variance for existing detached garage at 449 Riley Road in an R-3 zone.

MR. REIS: Just for the record, it should read 499 rather than 449, 499 Riley Road. I'm representing the owner, who's now temporarily living in California and we're in the process of selling his property. These folks I assume are here for, we're here to request a two foot, I'm sorry, an eight foot variance for an existing garage that's been there approximately 14 years, it does not cause any adverse effect on the neighborhood, neighbors or the area.

MR. KANE: Any complaints formally or informally on it?

MR. REIS: Not to my knowledge.

MR. TORLEY: How about the other Mike Babcock, have you been made aware of any complaints regarding this?

MR. BABCOCK: No.

MR. KANE: The garage has been up 14 years, obviously, no problems with water runoffs or drainage or anything like that?

MR. REIS: No, we've had it inspected by the Town, everything's approved.

MR. KANE: And the garage is similar in size or use as other homes in the area?

MR. REIS: Very similar, it's a one car garage.

MR. TORLEY: To move the garage so that it would meet all setback codes, would be economically prohibitive?

MR. REIS: Yes, I would agree with that statement, it's on concrete, it's block foundation, it's structurally

very solid.

MR. NUGENT: Mike, can I see those, please?

MR. KANE: Yes.

MR. REIS: We need the variance to successfully transfer the property.

MR. TORLEY: And there were, given the absence of audience, we may take it there's little or no concern on the neighbors part?

MS. BARNHART: We sent out 15 notices so no responses.

MR. MCDONALD: Entertain a motion?

MR. NUGENT: Yes.

MR. MCDONALD: Make a motion we grant the eight foot side yard variance Mr. Sherman.

MR. KANE: Second the motion.

ROLL CALL

MR. KANE	AYE
MR. MCDONALD	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

**OFFICE OF THE BUILDING INSPECTOR**

**TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

**DATE:** March 28, 2000

**APPLICANT:** *Arthur Sherman*  
~~Arthur~~ Sherman/ CO Mike Reis  
PO Box 472  
Washintonville, NY 10992

**COPY**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:**

**FOR :** Existing Detach Garage

**LOCATED AT:** *888*  
~~449~~ Riley Rd

**ZONE:** R-3

**DESCRIPTION OF EXISTING SITE:** 32-2-46.11

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

1. Existing detached garage does not meet minimum side yard set-back.

R-3 zone

  
BUILDING INSPECTOR

PERMITTED 10'

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-3 . USE: 48-14-A(1)-(B) /

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

2'

8'

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED

MAR 28 2000

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:  
Building Permit #: \_\_\_\_\_

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE PERMIT WILL BE ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises ARTHUR SHERMAN - TRUST c/o SANDY BRENNAN

Address 499 RILEY ROAD, NEW WINDSOR, N.Y. Phone \_\_\_\_\_

Mailing Address c/o MICHAEL REIS - BROKER PO Box 472 WASHINGTONVILLE, N.Y. 10992

Name of Architect \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Contractor \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

State whether applicant is owner, lessee, agent, architect, engineer or builder \_\_\_\_\_

If applicant is a corporation, signature of duly authorized officer. \_\_\_\_\_

(Name and title of corporate officer)



1. On what street is property located? On the W side of RILEY ROAD  
(N,S,E or W)  
and 1/2 MILE ± feet from the intersection of MOORES HILL RD.
2. Zone or use district in which premises are situated R-3 Is property a flood zone? Y N X
3. Tax Map Description: Section 32 Block 2 Lot 46.11
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy RESIDENTIAL b. Intended use and occupancy SAME
5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☒  
GARAGE TO CLOSE TO PILOPERY LINE.
6. Is this a corner lot? No
7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_
8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_  
Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_  
Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_  
\_\_\_\_\_
10. Estimated cost \_\_\_\_\_ Fee \_\_\_\_\_

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst Inspectors: Frank List & Louis Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(914) 563-4618  
(914) 563-4693 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

date

\_\_\_\_/\_\_\_\_/\_\_\_\_  
date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors Frank Lisi & Louis Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(914) 563-4618  
(914) 563-4693 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Michael Lisi is agent for SHERMAN TRUST / SANDY BRENNAN  
(Signature of Applicant)

PO Box 472, WASHINGTONVILLE  
(Address of Applicant)

N.Y. 10992

Michael Lisi is agent  
(Owner's Signature)

(Owner's Address)

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

N

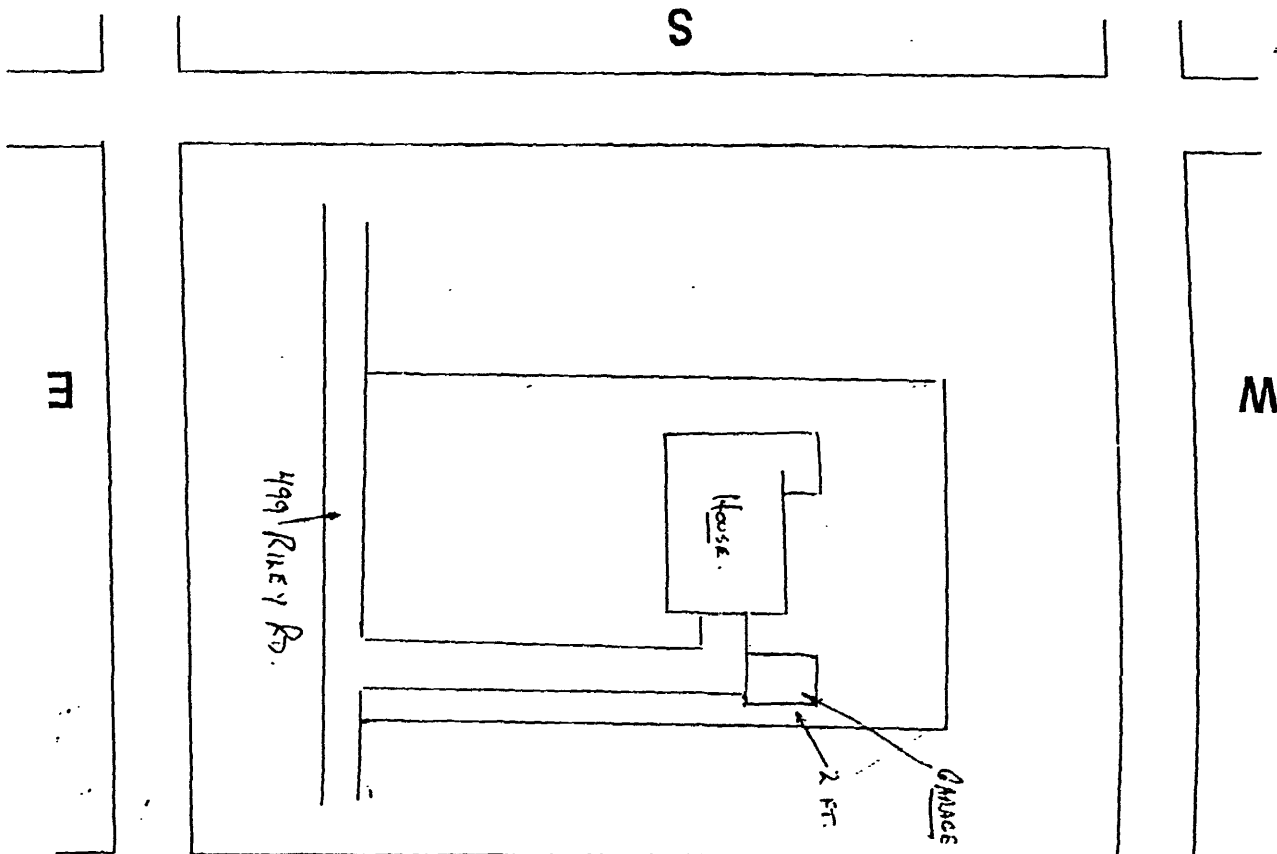
PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
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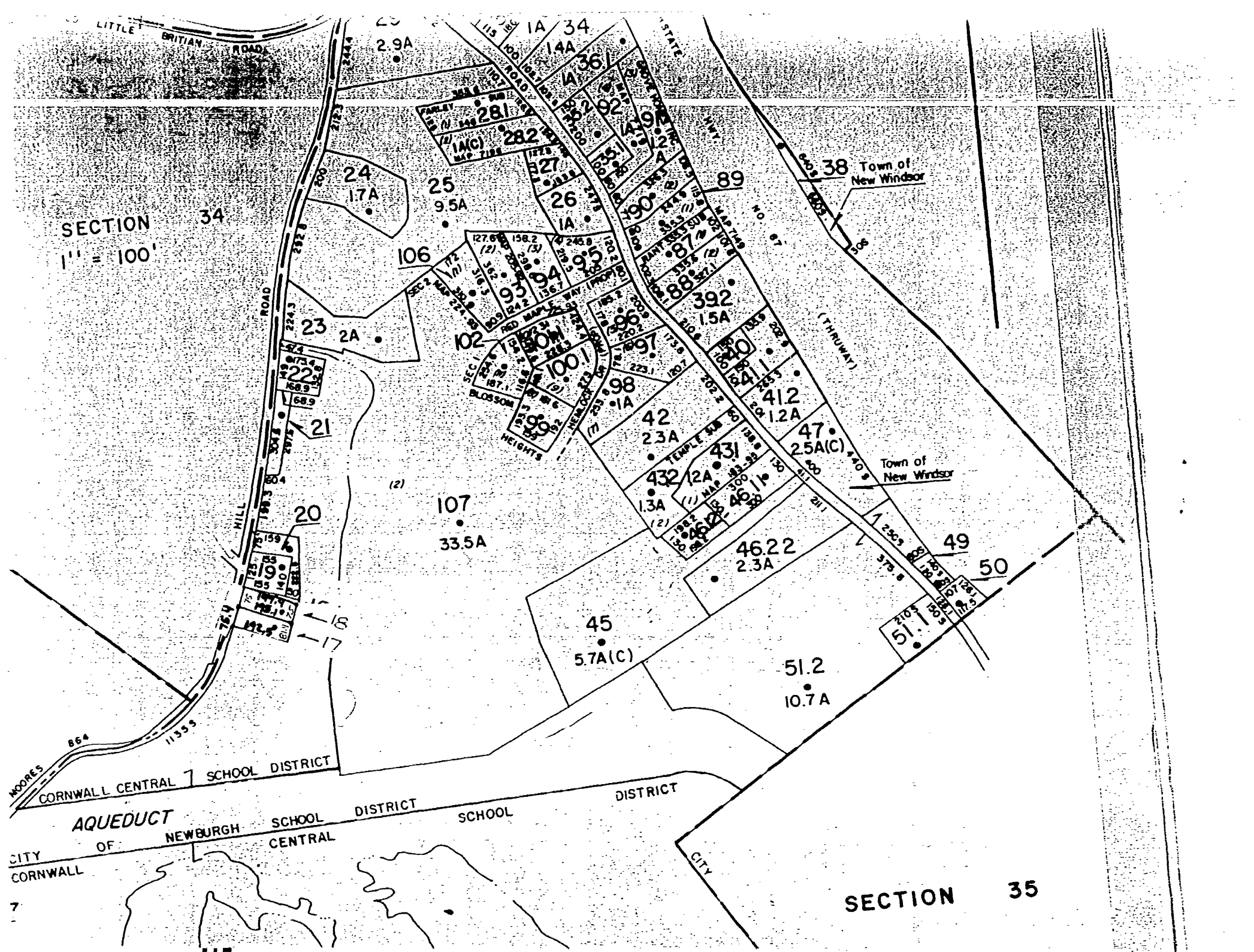
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1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.

RECEIVED

MAR 28 2000





SILVER STREAM  
RESERVOIR

53

431.2 A

City of Newburgh

NEWBURGH

SCHOOL

DISTRICT

LINE

MATCH

SECTION 65

1:4,000

Date ....., 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO ..... Frances Roth  
168 N. Drury Lane  
Newburgh, N.Y. 12550 ..... DR.

DATE			CLAIMED	ALLOWED
4/18/00		Zoning Board Mtg	75 00	
		Misc - 2		
		Huxel - 6 pgs		
		Mirasse - 4		
		Molloy - 8		
		Sherman - 4 18.00.		
		Moroneg's - 3	121 50	
		27		
			196 50	

SHERMAN, ARTHUR

Mr. Michael Reis appeared before the board for this proposal.

MR. TORLEY: I do have a question for our attorney, since Mike obviously cannot, would recuse himself on this matter, I assume, we only have two votes, how can we proceed?

MR. KANE: Can we set him up for a public hearing?

MR. TORLEY: My feeling was we can go through this now. At the next meeting, hopefully, we'll have more membership. We can adopt at that point a vote on a motion to set up for a public hearing, we don't have to take that motion tonight, do we?

MR. KRIEGER: No, you don't.

MR. REIS: May I say that even though I'm the agent for the owner, the seller, I don't have to excuse myself from a vote with your permission, of course, and at this point, it's just a matter of getting us to the public hearing and then I would excuse myself.

MR. KRIEGER: I think it would be prima fascia, but I'll tell you what else you can do at this point, there's no reason why the applicant knowing that he's acting in his own peril, could not follow the steps necessary to set him up for a public hearing.

MS. BARNHART: We can't make a motion on it.

MR. KRIEGER: The board can't direct that but the application procedure, the information and procedure, that's public information and procedures are--

MR. TORLEY: What you're suggesting he can have all the paperwork filled out, come in, have the preliminary meeting and immediately be ready for a public hearing at the next session?

MR. KRIEGER: Yes, so he can do both.

MR. TORLEY: I don't think he can have a preliminary and public hearing.

MR. KRIEGER: That's the point, you're not required to have a preliminary meeting. Now, the question is could it be done, yes. Is it a good idea, no. But whether it's a good idea or not is up to the board. I can just tell you that from the standpoint because you're not required to have a preliminary hearing, you could do it that way. However, Mr. Sherman then sets up for, fills out the application, fills out the procedure for public hearing and at his own peril, but to a certain extent it's always that way.

MR. REIS: May I make a comment and whatever you decide is fine with myself. The owner is in California, not well, and will not be returning. This is not a controversial type of application, it's a very minimum impact situation, there's an exist garage that's been there for some 20 years but whatever the board's pleasure, I'll do whatever you think is appropriate.

MR. TORLEY: Well, I think it probably would be best because I assume you want to proceed quickly to follow our attorney's suggestions and you could have, simply could start the procedures for a public hearing.

MR. REIS: That's fine. Thank you.

MR. TORLEY: Knowing that you're coming in cold.

MR. REIS: That's fine, we'll risk it.

MR. TORLEY: That will require no action of the board at this moment.

MR. KRIEGER: That's correct.

MS. BARNHART: Can't act on it now.

MR. TORLEY: We're not, we always have made the practice of having preliminary meetings to benefit the applicant and us, and then we have a motion for a--

MR. KANE: He would still need to make his mailings.



MR. KRIEGER: Still have to fill all the criteria for a public hearing, I would suggest that perhaps the applicant or the applicant's representative wants to put a brief presentation on in terms of what he's asking for so that other board members, so that the board members who are here can hear, the other board members, it will be in the minutes and they can read it.

MR. REIS: With your permission, I'll proceed, I'll be brief. It's an existing garage that's been there for some 20 years.

MR. BABCOCK: Yes, I don't have the file.

MR. REIS: It's in good repair, it's about two feet from the property line and we need a ten foot minimum so we're asking for an eight foot variance.

MR. KRIEGER: It's been there for 20 years?

MR. REIS: Or more, it's beyond the code. I'll entertain your questions, any thoughts.

MR. KRIEGER: Can I correctly, do I correctly assume that there have been no complaints either formal or informal?

MR. REIS: Not to my knowledge.

MR. TORLEY: That will be one of the more important things.

MR. REIS: Questions?

MR. TORLEY: We can't do anything at this point.

MR. KANE: No other questions, seems pretty straightforward. Just make sure you get all the mailings out.

MS. BARNHART: Can't do any of that until he gets his paperwork back to me, then we schedule the hearing and then we can't schedule it before he's got the paperwork

out.

MR. TORLEY: Make sure he schedules it for a full load of members.

MS. BARNHART: We can't control that for some reason.

MR. TORLEY: Wouldn't want to have a public hearing in the same situation.

MR. REIS: Yeah, right. Do you have any idea what the next agenda is as far as the membership?

MS. BARNHART: Membership, no. Jimmy was sick, I got a call and Len McDonald stopped in and let me know that he had to work tonight so this is at the last minute, there's no way of telling, Mike, unless they're on vacation and they know they're going to be away, that's different.

MR. REIS: Thanks you.

*Pls. publish on 5/4/00. Send bill to: Mike Reis  
P.O. Box 472, Washingtonville, NY  
10992*

**PUBLIC NOTICE OF HEARING**

**ZONING BOARD OF APPEALS**

**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 00-15

Request of ARTHUR SHERMAN / c/o MICHAEL REIS

for a VARIANCE of the Zoning Local Law to Permit:

AN EXISTING GARAGE TO REMAIN IN ITS PRESENT LOCATION

WITH LESS THAN THE ALLOWABLE SIDE YARD

being a VARIANCE of Section 48-14-A (1) - (B)

for property situated as follows:

499 RILEY ROAD, NEW WINDSOR, N.Y. 12553

known and designated as tax map Section 32, Blk. 2 Lot 46.11

PUBLIC HEARING will take place on the 22nd day of May, 19~~2000~~2000 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent  
Chairman

By: Patricia G. Corsetti, Secy.

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR  
COUNTY OF ORANGE:STATE OF NEW YORK

-----X

In the Matter of the Application for Variance of

Arthur Sherman

AFFIDAVIT OF  
SERVICE  
BY MAIL

# 00-15.

-----X

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at  
7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 2nd day of May, 2000, I compared the 15  
addressed envelopes containing the Public Hearing Notice pertinent to this case  
with the certified list provided by the Assessor regarding the above application  
for a variance and I find that the addresses are identical to the list received. I  
then caused the envelopes to be deposited in a U.S. Depository within the Town  
of New Windsor.

Patricia A. Corsetti

Notary Public

Sworn to before me this

\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (914) 563-4631  
Fax: (914) 563-4693

## Assessors Office

PAT

April 29, 2000

Arthur Sherman  
C/O Michael Reiss  
499 Riley Road  
New Windsor, NY 12553

RE: 32-2-46.11

Dear Mr. Arthur Sherman

According to our records, the attached list of property owners are within five hundred(500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

There is a balance due of \$ 10.00.

Sincerely,

Leslie Cook  
Sole Assessor

LC/srr  
Attachments

CC: Pat Corsetti, ZBA

Donna Challacombe  
520 Riley Road  
New Windsor, N.Y. 12553

Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553

Michelle & Eddie J. West  
516 Riley Road  
New Windsor, NY 12553

Madelena G. Frontera  
481 Riley Road  
New Windsor, NY 12553

Bonnie & Joseph Neucall  
512 Riley Road  
New Windsor, NY 12553

Theresa & Manuel P. Heredia Jr.  
9 Old Hemlock Drive  
New Windsor, NY 12553

Marion & Arthur McGhee  
504 Riley Road  
New Windsor, NY 12553

Jane & Thomas Schlappich  
17 Old Hemlock Drive  
New Windsor, NY 12553

Louise C. Mucci  
515 Riley Road  
New Windsor, NY 12553

Windsor Woods, Inc.  
169 Burd Street  
Nyack, NY 10960

Patricia & Joseph Striano  
503 Riley Road  
New Windsor, NY 12553

Linda A. & Richard H. Temple  
7422 E. Lompoc Avenue  
Mesa, Az 85208

Arthur W. Sherman Family Trust  
8501 Lincoln Boulvelard  
Los Angeles, Ca 90045

Arthur Sherman Family Trust  
8501 Lincoln Blvd.  
Los Angeles, Ca 90045

Linda & Andrew M. Kane  
491 Riley Road  
New Windsor, NY 12553

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 00-15

Date: 4/12/2000

I. ✓ Applicant Information:

- (a) ARTHUR SPERMAN / c/o MICHAEL REIS (AGENT) PO Box 472 WASHINGTONVILLE, NY 10992  
(Name, address and phone of Applicant) (Owner)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) R-3 499 RILEY ROAD New Windsor 32-2-46.11 .9 Acre  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? —
- (c) Is a pending sale or lease subject to ZBA approval of this application? YES
- (d) When was property purchased by present owner? 1986
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO  
If so, when? —
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow:  
(Describe proposal) \_\_\_\_\_
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_\_\_ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48, Table of 14 Regs., Col. A(1)-(8).

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <u>10'</u>	<u>2'</u>	<u>8'</u>
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only

\*\* No-residential districts only

✓(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)



whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

THE PROPOSED VARIANCE IS NOT SUBSTANTIAL; THE VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON ANY CONDITIONS IN THE AREA. THE EXISTING STRUCTURE HAS BEEN THE SAME FOR APPROX 20+ YEARS. IT IS NECESSARY TO RECEIVE VARIANCE TO BE ABLE TO HAVE C.O.D. TO TRANSFER TITLE.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: NA.

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, \_\_\_\_\_ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

\_\_\_\_\_  
\_\_\_\_\_

VII. Interpretation: NA.

(a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

4  
upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

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IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$50.00 and the second check in the amount of \$300.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: \_\_\_\_\_

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Michael Stein as agent  
(Applicant)

Sworn to before me this

\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

XI. ZBA Action:

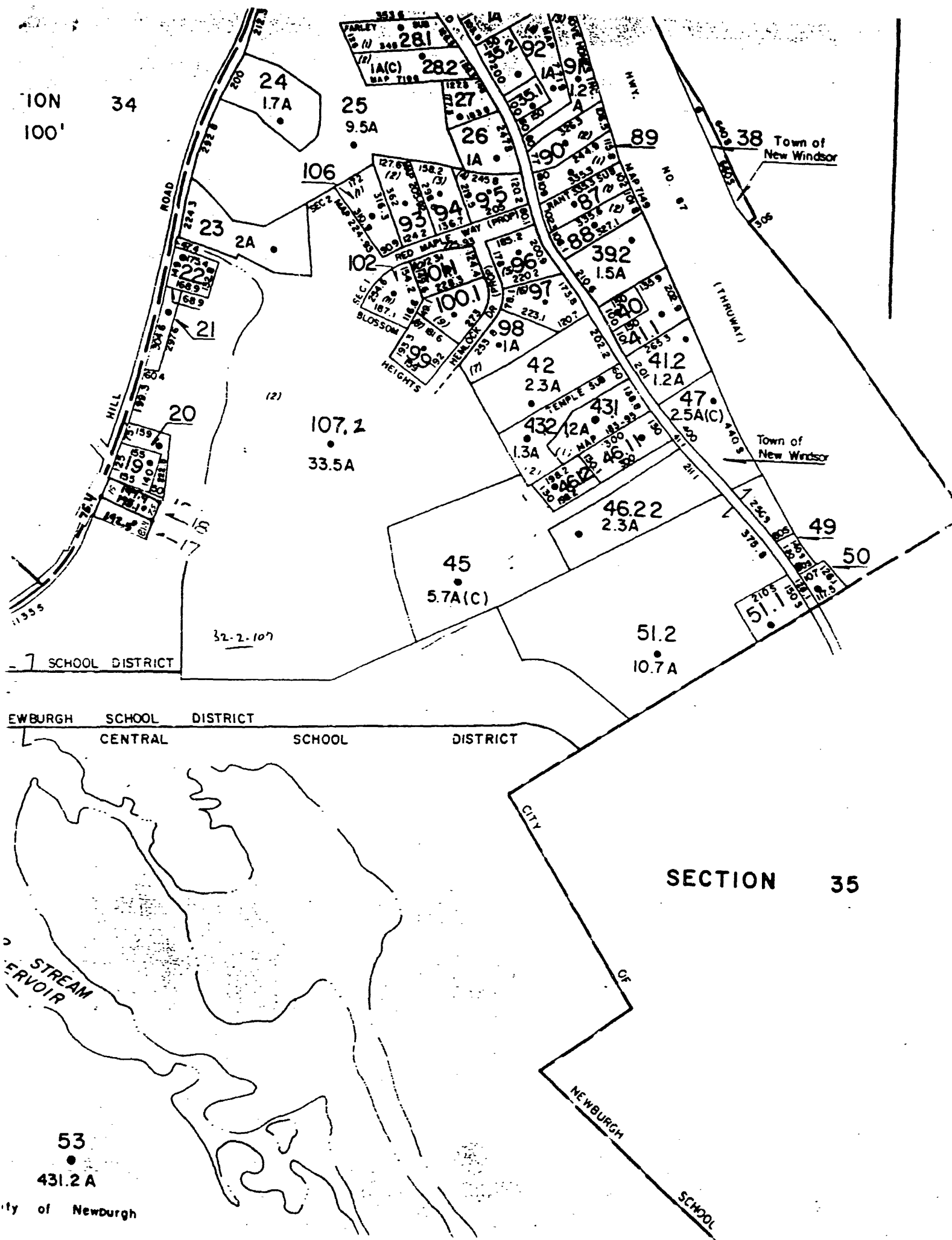
(a) Public Hearing date: \_\_\_\_\_.

(b) Variance: Granted (\_\_\_\_) Denied (\_\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC  
HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF  
APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)



FORM 2500

Standard N.Y.S.T.U. Form 2507

Sample and Sale deed with Covenant against Covenants Acts -- Individual or Corporation

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT--THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

2133-18957

THIS INDENTURE, made the 24th day of February, nineteen hundred and Eighty-Six

BETWEEN

WILHELMINA L. BLASO, surviving Tenant by the Entirety with  
 WILLIAM J. BLASO, deceased, residing at 255 Riley Road,  
 RD. #2, Newburgh, New York, by her attorney-in-fact  
 WILLIAM P. BLASE

party of the first part, and

ARTHUR W. SHERMAN and LANCE A. SHERMAN, Tenants in Common,  
 Residing at 8501 Lincoln Blvd., Los Angeles, California, 90045.  
 said ARTHUR W. SHERMAN having an undivided two-thirds interest,  
 and said LANCE A. SHERMAN having an undivided one-third interest,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN and 00/100 (\$10.00) -----  
 ----- dollars,

lawful money of the United States, and other good and valuable consideration paid  
 by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or  
 successors and assigns of the party of the second part forever.

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,  
 lying and being in the Town of New Windsor, Orange County, New York bounded  
 and described as follows:

BEGINNING at a point on the westerly assumed road line of  
 Reilly Road said point being on the southerly line of lands of  
 Thomas Lahey Jr. and running thence along the westerly line of  
 Reilly Road S 11° 59'E 130.0 feet to a rod, thence through lands  
 of J. Blaso S 82° 45' W 290.4 feet and S 87° 55W 9.6 feet to  
 a rod, thence N 12° 00' W 130.0 feet to a rod set in the wall  
 said point being on the south line of lands of Lahey Jr. and  
 218.2 feet easterly of a wall corner said corner being the  
 northwest corner of lands of J. Blaso, thence through a stone  
 wall and along the division line of lands of Blaso and Lahey Jr.  
 N 85° 03' E 23.0 feet and N 82° 45' E 277.0 feet to the place of  
 beginning.

containing 0.9 acres

Being a portion of Liber 1667 page 463,

ALSO being the same premises conveyed to William J. Blaso and  
 Wilhelmina L. Blaso, husband and wife, by deed made by James G.  
 Blaso and Ester R. Blaso, husband and wife, dated November 4,  
 1967 and recorded in Liber 1781 of Deeds at page 471 in the office  
 of the Clerk of the County of Orange, said William J. Blaso having

054553

B-32  
 B-2  
 L-46.1

Blaso and Susan M. Blaso, husband and wife, dated November 9, 1967 and recorded in Liber 1781 of Deeds at page 471 in the office of the Clerk of the County of Orange, said William J. Blaso having died a resident of Orange County on  
Said deed was recorded on November 9, 1967.

2499 pg 288

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

In presence of:

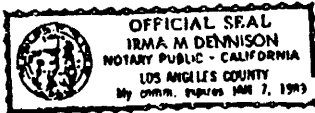
*Wilhelmina L. Blaso*  
by her Attorney-in-Fact  
*William P. Blase.*

WILHELMINA L. BLASO  
by her Attorney-in-Fact  
WILLIAM P. BLASE

REF 2499 pg 289

**CALIFORNIA**  
 STATE OF ~~NEW YORK~~ COUNTY OF Los Angeles  
 On the 24 day of February 1986, before me personally came  
**WILLIAM L. BLASE** Fr. of Attorney  
 Simultaneously recorded herewith with Liberty 3500  
 to me known to be the individual described in and who  
 executed the foregoing instrument, and acknowledged that  
 he executed the same.

*Irma M. Dennison*



CAT. NO. NH00631  
 TO 1947 CA (7-87)

(Attorney in Fact--Individual)

STATE OF CALIFORNIA  
 COUNTY OF Los Angeles } 23.

On February 24, 1986 before me, the undersigned, a Notary Public in and for  
 said State, personally appeared William L. Blase  
 personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name  
is subscribed to the within instrument as  
 the Attorney in fact of Wilhelmina L. Blase  
 and acknowledged to me that he subscribed the name of  
Wilhelmina L. Blase thereto as principal  
 and his own name as Attorney  
 in fact.  
 WITNESS my hand and official seal.

Signature *Irma M. Dennison*



), before me  
 I did depose and

operation described  
 present; that he  
 the seal affixed  
 that it was so  
 of said corpora-  
 by like order.



(This area for official notarial seal)

**Bargain and Sale Deed**

WITH COVENANT AGAINST GRANTOR'S ACTS

Title No

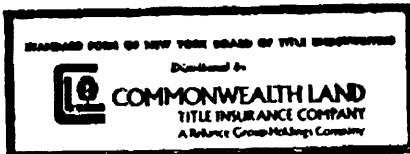
SECTION  
 BLOCK  
 LOT  
 COUNTY OR TOWN

320-  
 14-  
 2-

TO

Recorded at Request of COMMONWEALTH LAND  
 TITLE INSURANCE COMPANY

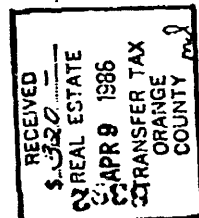
RETURN BY MAIL TO:



**DUGGAN, CROTTY & DUNN, P.C.**  
 Attorneys-At-Law  
 P O #2, TEMPLE HILL ROAD  
 NEW WINDSOR, NEW YORK 12550

*Wm Blase*

RECORD THIS DEED FOR USE OF RECORDING OFFICE



Orange County Clerk's Office, S.B.  
 Recorded on file 24 day  
 of April 1986  
 O.C. in 11 in 11 at page 2499  
 and Examined.  
*Marion S. Murphy*

REF 2499 pg 290